

Message Text

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ACTION DLOS-04

INFO OCT-01 EUR-12 IO-10 ISO-00 ACDA-05 AGR-05 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 OFA-01 COME-00

DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FEAE-00 FMC-01

TRSE-00 H-02 INR-07 INT-05 JUSE-00 L-03 NSAE-00

NSC-05 NSF-01 OES-03 OMB-01 PA-01 PM-04 PRS-01 SP-02

SS-15 USIA-06 OIC-02 AF-06 ARA-06 EA-07 NEA-10 /147 W

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R 260953Z AUG 75

FM USMISSION GENEVA

TO SECSTATE WASHDC 5434

INFO USUN NEW YORK 2292

AMEMBASSY LONDON

C O N F I D E N T I A L GENEVA 6598

E.O. 11652: GDS

TAGS: PLOS

SUBJ: LOS: GROUP OF 17 CONSULTATIONS

SUMMARY: GROUP OF 17 MET FOR TWO AND A HALF DAYS TO PREPARE FOR EVENSEN GROUP. GROUP AGREED ON MANY AMENDMENTS TO SINGLE NEGOTIATING TEXT ALTHOUGH NO CONSENSUS REACHED ON SEVERAL CRITICAL VESSEL POLLUTION ISSUES. US DID RECEIVE SUPPORT FOR FIRST TIME FROM FIVE MEMBERS OF GROUP FOR UNIVERSAL PORT STATE ENFORCEMENT. END SUMMARY.

1. GROUP OF 17 (EXCEPT BULGARIA) MET AUGUST 21, 22 AND 23 IN EFFORT TO COORDINATE POSITIONS PRIOR TO EVENSEN GROUP MEETING. GROUP GENERALLY WAS WELL-PREPARED ON ALL POLLUTION ISSUES AND REACHED ALMOST COMPLETE AGREEMENT ON NON-VESSEL ISSUES ALONG LINES OF U.S. PROPOSED AMENDMENTS. GROUP WILL CONTINUE TO COORDINATE
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DURING EVENSEN GROUP SESSIONS, IS CONSIDERING ANOTHER

MEETING BEFORE NEW YORK SESSION OF LOS CONFERENCE
AND IS CONSIDERING MEETING BETWEEN A GROUP OF 17
CONTACT GROUP AND A GROUP OF 77 CONTACT GROUP.

2. SIGNIFICANT AREAS OF AGREEMENT INCLUDE FOLLOWING:

A. GROUP AGREED TO SUPPORT ARTICLE 17 OBLIGATION
TO COMPLY WITH INTERNATIONAL STANDARDS TO CONTROL
CONTINENTAL SHELF POLLUTION AND INDICATED
PREFERENCE TO INSERT "STRINGENT" IN PLACE OF
"EFFECTIVE". IT WAS AGREED NOT TO OPEN
ARTICLE, HOWEVER, UNLESS OTHERS DID. AGREEMENT
ALSO APPLIED TO SIMILAR LANGUAGE IN ARTICLE 19
ON OCEAN DUMPING.

B. GROUP AGREED TO US AMENDMENT TO ARTICLE 20(2)
CHANGING "EFFECTIVE" TO "STRINGENT". US AGREED
TO RETAIN WORDS "GENERALLY ACCEPTED".

C. FIVE STATES (SWEDEN, BELGIUM, FRG,
NETHERLANDS AND DENMARK) SUPPORTED US AMENDMENT
TO DELETE AREA RESTRICTION ON PORT STATE
ENFORCEMENT IN ARTICLE 27 ALTHOUGH THEY WISH TO RETAIN
FLAG STATE PRE-EMPTION. THIS IS FIRST SIGNIFICANT
SUPPORT IN GROUP FOR CONCEPT OF
UNIVERSAL ENFORCEMENT.

D. GROUP AGREED TO US AMENDMENT TO SPECIAL AREA
PROVISIONS IN ARTICLE 20 PARAS (4) AND (6) WITH
SWEDEN INDICATING IT WOULD PUSH ITS POSITION ON
COASTAL STATE STANDARDS IN SPECIAL AREAS ONLY IF
US POSITION DID NOT SUCCEED. GROUP ALSO AGREED
TO DEFER DISCUSSION OF ARTICLE 20 (5) ON
VULNERABLE AREAS IN EVENSEN GROUP.

3. SIGNIFICANT AREAS OF DISAGREEMENT INCLUDE
FOLLOWING:

A. MOST OPPOSED COASTAL STATE SETTING CONSTRUCTION,
DESIGN, EQUIPMENT AND MANNING STANDARDS IN
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TERRITORIAL SEA IN ARTICLE 20 (3).

B. MANY SUPPORTED AREA RESTRICTIONS ON PORT STATE ENFORCEMENT IN ART
ICLE 27
ALTHOUGH THERE WAS MORE FLEXIBILITY THAN IN PAST.

C. ALL CONTINUED TO SUPPORT FLAG STATE PRE-
EMPTION IN ARTICLE 28, PROBABLY FOR BOTH PORT

AND COASTAL STATE ENFORCEMENT.

D. WHILE NONE FAVORED COASTAL STATE ENFORCEMENT
IN ARTICLE 31 SUBSTANTIVELY, THERE
WAS NO AGREEMENT ON TACTICS. SOME WANTED TO
DELETE ARTICLE (POLAND, USSR, OTHERS WANTED
TO CLEARLY INCLUDE AN ARREST POWER (JAPAN, FRANCE);
AND MOST WANTED TO WAIT FOR REACTIONS FROM
DEVELOPING COUNTRIES.

4. DURING DISCUSSION OF OCEAN DUMPING ARTICLES,
NETHERLANDS (RIPHAGEN) INDICATED DESIRE TO HAVE
AT LEAST VETO AUTHORITY OVER DUMPING THAT COULD
AFFECT IT, EVEN OVER DUMPING TO BE CARRIED OUT IN
ECONOMIC ZONE OF ANOTHER STATE. GROUP GENERALLY
AGREED THAT COASTAL STATE SHOULD HAVE REGULATORY
AUTHORITY TO A CERTAIN MILEAGE LIMIT, PROBABLY
200 MILES. GROUP AGREED TO CONSIDER POSSIBILITY
OF CONCURRENT JURISDICTION, THAT IS, GIVING A
VETO RIGHT TO EACH STATE WITHIN 200 MILES OF
DUMPING SITE. SITUATION WOULD ARISE IN NORTH
SEA AND, FOR EXAMPLE, WOULD AFFECT DUMPING
BETWEEN US AND BAHAMAS. IN JURIDICAL TERMS,
WE SEE POSSIBLE ADVANTAGE IN OVERLAPPING
JURISDICTION DETRACTING FROM EXCLUSIVE NATURE OF
ECONOMIC ZONE ALTHOUGH WE REALIZE PRACTICAL
PROBLEMS MAY ARISE. SINCE ISSUE WILL BE
DISCUSSED NEXT WEEK IN EVENSEN GROUP WE WOULD
APPRECIATE GUIDANCE, AT LEAST ON PRELIMINARY
BASIS.DALE

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